A/60/36

United Nations

Report of the United Nations High Commissioner for Human Rights

General Assembly
Official Records
Sixtieth Session
Supplement No. 36 (A/60/36)

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United Nations • New York, 2005

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ISSN 1020-3672

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 48/141, establishing the post of United Nations High Commissioner for Human Rights. The report focuses on the Plan of Action of the High Commissioner prepared at the request of the Secretary-General (A/59/2005/Add.3) and its implementation. In doing so, the report highlights a number of activities undertaken by myself and the Office of the High Commissioner for Human Rights (OHCHR) since the fifty-eighth session of the Assembly. This report should be read in the context of my reports submitted earlier this year to the Commission on Human Rights (E/CN.4/2005/12) and to the Economic and Social Council (E/2005/65).

II. Human rights within the reform of the United Nations

2. The Secretary-General's reform agenda has reaffirmed the prime importance of human rights as one of the three principle goals of the United Nations, alongside peace and security and development. The protection of human rights is an essential ingredient of the Secretary-General's reform proposals for the Organization. Moreover, in his report "In larger freedom: towards development, security and human rights for all" (A/59/2005), the Secretary-General points to the fact that there can be no development without security, no security without development, and neither without human rights. These three areas are inextricably linked and must be addressed in a way that is mutually reinforcing in order to achieve the highest impact in addressing today's challenges. This means that neglecting one of these pillars of the Organization will jeopardize the success of the two others.

3. Accordingly, the Plan of Action responds to the Secretary-General's vision by raising the profile and authority of my Office. It promotes new approaches to respond to today's realities and to existing challenges, and seeks to strengthen the planning and management capacities of OHCHR. The Office will thus be able to assume its responsibilities within the triangle of the Organization's responsibilities, giving equal attention to development, security and human rights. At the same time, the development and security agendas of the United Nations figure prominently in my strategic vision for the human rights programme. Indeed, I consider poverty, discrimination, conflict, impunity, democratic deficits and institutional shortcomings among the key human rights challenges facing humanity today, and therefore my Plan of Action gives equal importance to development and security with the ultimate aim of achieving protection and empowerment for all.

4. The key challenge for my Office — and one shared by the entire United Nations system — is to scale up implementation of international human rights norms and standards at the country level, so as to ensure the enjoyment by all of all rights — civil, cultural, economic, political and social, including the right to development. I am proposing to significantly strengthen the capacities of OHCHR to achieve greater and more strategic country engagement. This relies on building closer working relationships with our national-level partners, including Governments, United Nations agencies, funds and programmes, civil society organizations and national human rights institutions. It also implies building on the country-specific experience and expertise of the different components of the human rights programme, including the treaty bodies and the special procedures. In focusing on human rights at the national level, the Plan of Action re-emphasizes the

point that the success of the entire reform programme must be measured against its impact on individuals and their enjoyment of all human rights without discrimination.

III. Moving to strengthen capacities

A. The Plan of Action

5. The Plan of Action has two dimensions, on the one hand programming our human rights work in accordance with the Secretary-General's reform agenda, and on the other, optimizing the use of the resources, capacities and strengths of the United Nations human rights programme. It represents a significant shift of focus in terms of putting implementation at the national level at the centre of the programme. While noting the impressive progress in setting international standards in human rights and establishing related monitoring mechanisms, there is a general agreement that much remains to be done to uphold these standards worldwide. Member States have the primary responsibility to respect, protect and fulfil human rights. One of the primary goals of the work of my Office will be to assist Governments in discharging this responsibility. We will develop our own capacities and cooperative arrangements with partners to respond swiftly and effectively to the needs of Member States in the area of strengthening national promotion and protection systems and in the development of policies and programmes aimed at the full protection of rights. This requires a more strategic dialogue and engagement with Member States, civil society and partners within the United Nations system.

6. The two goals of the Plan of Action — protection and empowerment — reflect a more holistic view of the activities of the human rights programme and a recognition that the protection of human rights and the empowerment of individual rights holders and duty bearers are decisive for bridging the gap between human rights rhetoric and reality. The strategies and activities aimed at strengthening protection may consist in capacity-building, human rights education and promotion, or include fact-finding, monitoring, inquiries or advocacy, among others, depending on the specificities of the situation. Human rights protection should thus be seen as an immediate and short-term, as well as a long-term endeavour for the benefit of rights holders. This goes in tandem with the concept of empowerment, which will ensure that individual rights holders are placed in a position from which they can realize their rights or claim their implementation.

7. The Plan of Action sets out a strategy to address the key challenges to human rights that includes country engagement, leadership and partnerships. Its successful implementation will rely on improved management and planning capacities within OHCHR. The concept of enhanced country engagement consists in a change of approach to human rights implementation through streamlined country-oriented research and analysis, as well as enhanced response capacity. It will also imply both a heightened OHCHR presence at the national level through country and regional offices and support for United Nations country teams (UNCTs). Country engagement strategies should allow the Office to deploy its resources in a proactive and strategic manner and to create synergies with the other components of the human rights programme, notably the human rights mechanisms, and partners in the wider United Nations system. It is worth underlining that country engagement

means interaction with all countries on all human rights, as no country is immune to challenges in the area of human rights.

8. At the same time, OHCHR must assume the responsibility for identifying key human rights challenges and obstacles, shaping international dialogue around them and proposing common strategies for addressing them effectively. To this end, the Plan of Action outlines a series of initiatives, including periodic, United Nations systemwide consultations, active engagement with United Nations bodies and organs in the area of security and development, a global campaign for human rights and a global thematic human rights report, as well as more involvement in global efforts towards poverty reduction and achievement of the Millennium Development Goals. The key role of civil society in addressing the threats and challenges facing the world will be an important element in all these endeavours.

9. Reform of the human rights machinery has been one of the key items in the Secretary-General's reform agenda and will be an essential step on the path towards ensuring effective implementation of human rights norms and standards at the national level. The Assembly has before it a proposal to replace the Commission on Human Rights by a Human Rights Council with modified powers and composition. I would like to reiterate my support for an upgraded human rights body empowered to perform country scrutiny, inter alia, through a system of universal peer review. It is essential, as was pointed out by the Secretary-General, that a new Human Rights Council continue the practice of the Commission regarding access for non-governmental organizations to its deliberations and processes. OHCHR will take all necessary measures to provide effective assistance to any new or revamped intergovernmental body.

10. The treaty bodies are a cornerstone of the human rights system, but face a series of challenges ranging from their effective functioning to the implementation of their recommendations. Over the past few years, many reform efforts have been undertaken to streamline reporting and the various committees' working methods in order to allow them to function as a unified system. I support these measures, and in this context have suggested that consideration be given to moving the Committee on the Elimination of Discrimination against Women (CEDAW), the only treaty body not serviced by OHCHR, to Geneva. This is also in line with the efforts to better integrate a gender perspective into the whole human rights agenda, and building OHCHR capacity and knowledge in this regard while preserving the integrity and expertise of CEDAW. In the long term, I consider that means must be found for a further consolidation of the work of the treaty bodies, and I will hold an intergovernmental meeting in 2006 to discuss options for the establishment of a unified standing treaty body system.

11. The Plan of Action also underlines the essential role of the special procedures established by the Commission on Human Rights in the protection and promotion of human rights. The strength of these mandates includes the independence of mandate holders, concerted focus on an issue or situation, ability to engage directly through country visits, ongoing accessibility to victims, and an advocacy role in identifying implementation gaps.

B. Implementing the Plan of Action: current activities and future directions

12. The challenge for OHCHR is now to implement the vision set out in the Plan of Action. OHCHR is proposing to significantly strengthen its capacities, both in terms of increasing the staff and budgetary resources as well as its management, planning and policy development. This process will be ongoing, but an Office-wide initiative has commenced with the aim of identifying detailed proposals for implementing the Plan of Action. In order to ensure a timely and coherent approach, a small steering committee has been established to provide overall policy direction and cohesion to the implementation process. The steering committee has established 12 task forces to develop proposals for the phased implementation of the Plan of Action. The implementation programme will address issues of methodology, organizational structures, human resources and financial resource requirements.

13. The first phase of implementation will require a focus on enhancing the capacities of OHCHR in terms of administration (including the preparation of budgets) and human resources, on which many of the activities proposed in the Plan of Action will rely. Administrative and logistical support to OHCHR activities is being reviewed in order to identify blockages, additional resource requirements and changes necessary to streamline procedures, strengthen responsiveness to programme needs and internal controls, and improve efficiency and training. In light of the Plan's vision of an expanded field presence, the current review is paying particular attention to the support provided to field offices, the capacity to rapidly deploy staff and resources, and the possibility of decentralizing certain functions from Geneva to the field. Central to my long-term vision in this area is a greater delegation of administrative authority for OHCHR, as indicated in the Plan of Action. A new Policy, Planning, Monitoring and Evaluation Unit has been established to improve the capacity of OHCHR in these areas. The Unit will focus on establishing a strategic planning and management system, facilitating priority-setting and strengthening horizontal and vertical linkages within the Office.

14. The Plan of Action implies a significant increase in the human resources available to OHCHR. We have commenced a process of responding to the challenges we face in scaling up the recruitment and deployment of qualified staff, including: seeking an equitable geographic distribution among staff; establishing professional rosters in order to accelerate staff identification and selection; setting up a workable system of staff rotation between the various OHCHR offices; and seeking a greater delegation of authority in human resources issues.

1. Country engagement

15. The following section will highlight some of the activities that the Office has undertaken during the past year and outline the course of action the Office has started to pursue in order to strengthen its capacities to address the human rights challenges worldwide. OHCHR is currently engaged with many countries in various forms, including its own field presences, support to United Nations peace missions and United Nations resident coordinators, provision of technical cooperation and advisory services, support to national institutions and support to special rapporteurs and independent experts of the Commission on Human Rights as well as treaty bodies. The engagements respond to the increasing calls by Member States for

assistance and increased interaction with the United Nations human rights programme.

16. The technical cooperation element is one of the many components of the human rights programme, aimed at assisting States, at their request, in building and strengthening national human rights protection systems. A priority focus of OHCHR in this regard continues to be support for building the foundations of the rule of law, in particular through legislative reform assistance and capacity-building in the area of administration of justice and law enforcement. For instance, in Mexico OHCHR assisted the Government in the implementation of the National Human Rights Programme approved by the President last year, the most significant achievement having been a series of constitutional reforms approved by the Government to bring laws into compliance with international human rights norms and standards. In Togo, OHCHR deployed a human rights adviser to assist UNCT on human rights and protection issues for three months covering the period before and after the presidential elections, which took place in April 2005. Subsequently, the Office deployed a human rights adviser to the country to work with the ministry in charge of human rights, democracy and the rule of law for one year.

17. In July 2005, OHCHR advised the Iraqi Constitutional Drafting Commission on the compliance of the draft constitution with international human rights standards. In Ecuador, OHCHR supported follow-up to the visit of the Special Rapporteur on the independence of judges and lawyers in March and July 2005. As part of these efforts, OHCHR is planning to deploy a human rights observer to oversee the appointment of the magistrates of the new Supreme Court of Justice, following the country's judicial crisis earlier this year. Furthermore, OHCHR organized a regional training workshop on the police and human rights, held in Dubai, in early May 2005, for police officers from 12 Arab countries.

18. Country engagement also included assisting a number of countries in their reporting obligations under the international human rights treaties and following up on the recommendations of human rights organs and bodies. OHCHR organized regional and subregional, national and global workshops to follow up on implementation of the concluding observations of the treaty bodies. Participants at the workshops included Government officials, representatives of national human rights institutions, non-governmental organizations and representatives of United Nations agencies, funds and programmes. In July, OHCHR launched a pilot technical cooperation project in Guatemala and Mexico to follow up the recommendations of the Special Rapporteur on the human rights and fundamental freedoms of indigenous people. This type of assistance remains one of the important ways of furthering respect for human rights at the national level.

19. OHCHR has sought to heighten its support for the independent national human rights institutions established in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris principles), for which the Secretary-General has called in his reform programme. A rapidly increasing number of such institutions and the expansion of their activities at the national, regional and international levels pose additional challenges to OHCHR, which we are determined to meet.

20. OHCHR is currently developing policy guidance for country engagement, including methodologies and tools, which will facilitate a holistic and sustainable approach to our work, involving all components of the human rights programme and

thus creating synergies and maximizing the impact of our activities. While the implementation of this concept requires a significant increase in capacity, particularly a strengthening of geographic units, steps are being taken to streamline and optimize the use of resources across OHCHR.

21. Increased focus on implementation at the national level also requires that thematic expertise of OHCHR be geared towards delivery at this level. Enhanced country engagement will enable treaty bodies and special procedures to be more closely attuned to the realities on the ground so that their dialogues and recommendations can be turned more easily into action by Governments, civil society, national human rights institutions, United Nations agencies and other relevant stakeholders. Thus, country engagement strategies will offer a framework for a continuous and sustained engagement with the country concerned, and provide a framework for dialogue and foster partnerships towards the goals of protection and empowerment. The human rights challenges and implementation gaps identified in the Plan of Action will guide the development of our country strategies.

2. Field presences

22. While country engagement is not synonymous with field presences, an active presence in a country can often be considered to be the most effective way to engage. Recent months have seen a surge in the opening of new OHCHR field presences at the request of Member States. In Nepal, following the signing in April 2005 of an agreement with the Government, OHCHR established an office with a mandate to promote and protect human rights, including with regard to respect for international humanitarian law in the ongoing armed conflict. The office in Nepal has already been conducting investigations into reported human rights and international humanitarian law violations. I will present a more detailed account of the activities of the OHCHR office in Nepal in a separate report.

23. In Uganda, OHCHR undertook negotiations with the Government towards establishing an office in the country with a combined technical cooperation and monitoring mandate, allowing it to deal with human rights protection issues, in particular in relation to the conflict affecting the northern and eastern parts of the country. OHCHR presences will shortly be operational in Kampala and Gulu and will work closely with the Uganda Human Rights Commission in training and capacity-building activities, as well as in the implementation of the human rights protection strategy.

24. In Guatemala, OHCHR established a presence to follow on the work done by the United Nations Verification Mission in the country (MINUGUA) until December last year. In accordance with an agreement signed with the Government of Guatemala and ratified by its National Congress in May 2005, the new office will monitor and report on the human rights situation and advise the Guatemalan authorities on the formulation and implementation of policies, programmes and measures to further the promotion and protection of human rights in the country, in close partnerships with UNCT and several other national governmental and non-governmental actors.

25. At the last session of the Assembly, I reported on OHCHR activities in relation to the situation in the Darfur region of the Sudan, especially the OHCHR human rights observers deployed in August 2004. OHCHR subsequently also supported the activities of the International Commission of Inquiry established by the Secretary-

General at the request of the Security Council. Following the establishment of the United Nations Mission in the Sudan (UNMIS) by Security Council resolution 1590 (2005), a process of integration began which was completed by March 2005, whereby all OHCHR human rights observers in Darfur became part of the human rights component of UNMIS. The mandate of the human rights component derives from resolution 1590 (2005), which, inter alia, called for ensuring an adequate human rights presence, capacity and expertise within the Mission to carry out human rights promotion, protection and monitoring activities. By October 2005, the UNMIS human rights component will extend its activities from Darfur to other parts of the Sudan, particularly in the south of the country, thus becoming the largest human rights component of any United Nations peace mission, with an international and national staff of almost 200.

26. Support to human rights components of United Nations peace missions is one of the means of integrating human rights into United Nations operations at the country level. For example, OHCHR, together with the United Nations Assistance Mission for Iraq and UNCT, has been closely involved in assisting the design of human rights capacity-building activities. In Haiti, OHCHR continued to provide substantive and methodological support to the Human Rights Section of the United Nations Stabilization Mission, with regard to its monitoring, investigating and reporting of the human rights situation in the country. This included assistance to the Government in the elaboration of the National Human Rights Plan.

27. As part of our effort to improve our engagement with countries where we have no direct presence, we are seeking to strengthen our presence at the regional and subregional levels. In addition to existing regional and subregional offices in Africa, Asia, the Arab Region and Latin America, plans are under way to establish a subregional United Nations Centre for Human Rights in Qatar. In the Asian and Pacific Region, OHCHR has deployed a Senior Human Rights Officer to the multi-country United Nations Development Programme (UNDP) office in Fiji. OHCHR is also strengthening its regional activities in Central Asia through a presence in Kazakhstan.

28. Despite this recent increase in field presences, most of them still lack the capacities to address implementation gaps in a comprehensive and sustainable manner. For the time being, this will entail not only an expansion of our geographic capacity in Geneva, but also increased deployment of human rights staff to countries and regions. OHCHR is currently developing a field presence policy based on the strategic direction provided in the Plan of Action. Accordingly, we are undertaking a comprehensive review of our field activities in order to ensure coherence among our existing field presences and prioritize the establishment of new presences, in order to maximize the effectiveness of our work within current means and to ensure that the available resources are used efficiently. This also includes a review of lessons learned from various human rights approaches in United Nations peace missions. In developing our policy, we are also analysing human rights field deployment options and are developing concrete options for various types of presence, including questions of mandate, staffing, tasks and relations among field presences.

3. Rapid response, fact-finding and investigation

29. Past experience has shown that human rights need to be in the picture when dealing with situations of crisis, whether generated by conflict or otherwise. In an

effort to combat impunity as well as to respond to the causes of large-scale or serious human rights violations, OHCHR has continued to be called upon to undertake fact-finding missions and investigations. In 2004 and 2005, the Office has mobilized personnel and resources rapidly in respect of the Sudan and Nepal in order to both investigate alleged human rights abuses and to monitor the ongoing human rights situation. In June 2005, OHCHR deployed a fact-finding mission to Togo. The mission's objective was to establish the circumstances that had led to alleged violations of human rights in connection with the presidential elections of 24 April 2005, to verify the alleged violations and to prepare a report aimed at developing a strategy to enhance the rule of law and prevent future outbreaks of violence in the country. The report has now been shared with the Government of Togo for comment.

30. At the request of the Government, OHCHR deployed a Human Rights and Justice Adviser to Bolivia to assist in investigating the human rights abuses that occurred in the country during the protests of February and October 2003. The Adviser identified several areas for follow-up action and cooperation, which are now under discussion with the Government. In the case of Uzbekistan, I initially called for an international fact-finding mission into the causes and circumstances of the incidents that occurred in mid-May 2005 in Andijan. In the absence of a response from the Government of Uzbekistan, in June, I dispatched an OHCHR mission to neighbouring Kyrgyzstan to gather information from eyewitnesses to alleged serious human rights violations and to assess their protection needs. The mission concluded that consistent and credible eyewitness testimonies suggested that military and security forces had committed grave human rights abuses, in most cases violations of the right to life. The mission report reiterated my call for an international probe and recommended that a full-fledged and properly funded and resourced international commission of inquiry be established. It also stressed the need to prevent the forced return of these witnesses to Uzbekistan.

31. Concerning Timor-Leste, OHCHR supported the Commission of Experts appointed by the Secretary-General in February 2005 to review the prosecution of serious violations of human rights in East Timor in 1999. The Commission conducted a fact-finding mission to Timor-Leste and visited Jakarta in May 2005. Its report (S/2005/458, annex II) contains a comprehensive analysis of the judicial processes and formulates recommendations on the most feasible mechanisms to ensure that justice and accountability are secured for the people of Timor-Leste.

32. These recent examples highlight the increasing needs and demands in situations of conflict, post-conflict and other crisis situations. As indicated in my Plan of Action, OHCHR is moving towards establishing standing capacities for rapid deployment, fact-finding and investigations. Being present on the ground as rapidly as possible in a deteriorating human rights situation, would permit OHCHR to perform a variety of roles, principally aimed at protection activities and also, to the extent possible, coordinating human rights activities within the United Nations system. Our early intervention should lead to a recognition of the human rights dimensions of the situation and ensure that an effective human rights response is developed and implemented.

4. Consolidating the capacity of OHCHR to work on human rights aspects of development and the Millennium Development Goals

33. Just as respect for human rights brings a great deal to efforts to regain peace and security, so too does a rights-based approach help us in achieving our development goals. In my report to the Economic and Social Council this year (E/2005/65), I sketched an outline of how efforts to realize human rights and efforts to achieve the Millennium Development Goals are linked. The Goals reflect the human rights agenda in seeking better health, food, education, housing and so forth for individuals. They thus provide a potentially powerful motor for the realization of human rights in the context of development. On the other hand, a human rights-based strategy provides more effective and sustainable means to achieve these Goals, by building the commitment and ownership of individuals and communities into solutions to their development challenges.

34. To operationalize these links, and in doing so building on the existing capacities of OHCHR in rights-based approaches to development, the Plan of Action announced the establishment of a unit dedicated to working on the Goals, in particular poverty reduction strategies. In cooperation with partners at the national and international levels, OHCHR will assist Member States by providing human rights advice on strategies for achieving the Goals and the right to development. At the same time, we will seek to illustrate how rights-based approaches bring real benefits in achieving desired outcomes. In this framework, we will promote four basic tenets of a rights-base approach: first, the explicit recognition of human rights obligations in development activities; second, ensuring that the Goals are pursued in a non-discriminatory way; third, creating ways for people to participate meaningfully in decisions affecting them; and fourth, creating or strengthening mechanisms to monitor progress in the achievement of the Goals and to hold responsible actors accountable.

35. The deeper involvement of OHCHR in the area of human rights and development will build on our existing expertise in rights-based approaches, economic, social and cultural rights and on the right to development. The growing consensus around the right to development in the past year has been reflected by the institution of the high-level task force on the implementation of the right to development. As a new modus of engagement on the right to development, the objective of the task force is to provide the necessary technical expertise to the open-ended Working Group on the Right to Development to enable it to make appropriate recommendations to the various actors on the issues identified for the implementation of the right to development. The mandate given to last year's high-level task force was to consider obstacles and challenges to the implementation of the Millennium Development Goals in relation to the right to development, and social impact assessments in the areas of trade and development at the national and international levels. The report of the sixth session of the Working Group, which took place from 14 to 18 February 2005, is contained in document E/CN.4/2005/25.

36. OHCHR maintained its support to the work of Member States considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The second session of the working group established by the Commission on Human Rights in January 2005 had before it a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the

United Nations system (see E/CN.4/2005/52). I encouraged Member States to consider how international and national jurisprudence had demonstrated that social, economic and cultural rights were not ideals, but legally enforceable entitlements. I encourage States now to draft an optional protocol to the Covenant in the form of an individual communications procedure.

5. Strengthening thematic expertise

37. Having supported the United Nations human rights machinery and of providing substantive human rights input to the Assembly, the Economic and Social Council and the Commission since its establishment, OHCHR has built significant institutional thematic expertise in international human rights. This expertise provides a solid basis for our work in assisting Member States in implementing human rights in very different contexts around the globe. Much of this expertise has been created to support human rights mechanisms (such as treaty bodies or special procedures) and remains linked to those mechanisms. The Plan of Action sets out our vision for exploiting and expanding this expertise.

38. Over the past year, OHCHR has been active in areas such as the rule of law and democracy, national institutions, anti-discrimination and special groups, and human rights-based approaches to development and security. In the first of these areas, the Office has, inter alia, been engaged in transitional justice, impunity and anti-terrorism initiatives and continued its work for the promotion of human rights-based democracy. At its last session, the Commission on Human Rights took two vital steps: it adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (resolution 2005/35, annex), and took note with appreciation of the report of the independent expert and the updated Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102 and Add.1) as a guideline to assist States in developing effective measures for combating this phenomenon (resolution 2005/81).

39. Transitional justice remains a priority of the OHCHR programme. For instance, a regional meeting on this issue organized by OHCHR from 21 to 23 July in Monrovia focused on draft rule of law tools for post-conflict States, which OHCHR intends to publish later in 2005, and also took stock of transitional justice-related activities in Africa.

40. In the framework of its programme concerning actions to counter terrorism, OHCHR convened an expert meeting on human rights, counter-terrorism and states of emergency in June 2005. The outcome of this meeting has been included in the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/60/374, sect. III). OHCHR has sought to integrate the relevant recommendation of the treaty bodies on human rights and terrorism measures into its own programme on actions to counter terrorism. The General Assembly may also wish to note the report of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism (E/CN.4/2005/103), submitted to the Commission on Human Rights at its sixty-first session. This comprehensive report sets out in detail how the human rights machinery applies in a variety of situations and legal contexts involving counter-terrorism policies and measures. The Commission decided to appoint, for a period

of three years, a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, who was nominated in August 2005.

41. OHCHR continued to support the follow-up programme and mechanisms of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001, which focuses on the promotion of respect and tolerance in diversified societies to counter contemporary forms of racism and xenophobia and on means and tools for addressing social exclusion and other aspects of the disadvantaged position of victims of racism, xenophobia and related discrimination. Regional seminars continued to be an important form of supporting cooperation among different stakeholders to counter racism and xenophobia: a subregional expert seminar on the implementation of the right to education as a tool to combat racism, racial discrimination, xenophobia and related intolerance was held in Bangkok, and a seminar on how the Millennium Development Goals can contribute to overcoming racial discrimination was convened in Brasilia.

42. OHCHR has also been engaged in protection and empowerment projects related to indigenous peoples and minorities. For instance, the joint UNDP/OHCHR HURIST programme aimed at advancing dialogue between the United Nations system and indigenous organizations in Ecuador and Kenya will expand to Bolivia and Guatemala. The Commission decided (resolution 2005/50) to extend the mandate of the Working Group to elaborate a draft United Nations declaration on the rights of indigenous peoples, and urged the Group to present a final draft for adoption as soon as possible. In July 2005, following a request from the Commission (resolution 2005/79), I appointed Gay McDougall as independent expert on minority issues.

43. On disability issues, OHCHR collaborated closely with the Department of Economic and Social Affairs to support the work of the General Assembly Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

44. Women's human rights are at the centre of the Office's attention. In my address to the Security Council on 28 October 2004, contributing to its review of the implementation of its resolution 1325 (2000) on women, peace and security, I referred to the situation in Darfur as an example of the continuing human rights violations experienced by women in situations of armed conflict, and emphasized that such violations would never be dealt with appropriately until justice issues received greater attention in conflict situations. OHCHR collaborated with the Department and its Division for the Advancement of Women in preparations for the review of the implementation of the Beijing Declaration and Platform for Action, and I participated in the review of the synergies with national-level implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

45. As requested by the Commission in its decision 2004/116, OHCHR prepared a report on the responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91). The report reviews the scope and legal status of existing initiatives and standards on the responsibilities of transnational corporations and related business enterprises from a human rights perspective, noting that there are gaps in understanding the nature and scope of

those responsibilities. Following on the request of the Commission (resolution 2005/59) the Secretary-General appointed John Ruggie his Special Representative on the issue.

46. These examples only highlight some of the substantive areas in which OHCHR has developed recognized expertise. Nevertheless, as indicated in my Plan of Action, research efforts have heretofore been devoted to a large extent to recording human rights problems; the focus needs to shift to identifying and implementing solutions. Our task now is to develop and strengthen our expertise in various thematic areas in order to support the initiatives outlined in the Plan of Action, including tasks mandated to us by Member States, in order to enhance implementation.

47. Although expertise in selected thematic areas is central to the United Nations human rights programme, we are planning to maintain our own capacities while developing partnerships with academic and other research institutions to benefit from their analysis and findings. OHCHR will develop a resource centre to stimulate international debate, channel the available expertise to the United Nations human rights mechanisms and partner organizations and provide technical cooperation and support to Governments, civil society and United Nations country teams. Particular attention will be paid to expanding our interaction with research institutions and experts from developing countries, and encouraging regional frameworks for research and educational cooperation.

6. Building stronger links with United Nations partners

48. On several occasions, OHCHR documents have emphasized that its action is more effective when it works with and through United Nations partners. The Office currently cooperates closely with United Nations agencies, funds and programmes in areas such as HIV/AIDS, housing and development. With the United Nations Development Group and the Executive Committee on Humanitarian Affairs (ECHA), we undertake to fully integrate human rights into development assistance offered to Member States.

49. The last year has seen the launch and subsequent growth of the Secretary-General's Action 2 initiative, developed by OHCHR, the United Nations Development Group (UNDG), and ECHA. It aims to enhance the ability of the United Nations to support Member States, through coordinated and harmonized action at the country level, in their efforts to build effective national systems of human rights protection. OHCHR has actively participated in the CCA/UNDAF processes, provided training workshops, learning material and advisory services, and supported the work of UNCT thematic groups. The Office has also facilitated closer interactions between UNCTs and United Nations human rights mechanisms such as treaty monitoring bodies and fact-finding missions of special rapporteurs and independent experts of the Commission. To better coordinate the support to country teams, UNDG, ECHA and OHCHR have established an Action 2 mechanism that includes a consultative UNDG working group, inter-agency task force and secretariat. Several countries, both donor and recipient, have expressed interest in this initiative.

50. Human rights advisers continued to be assigned to UNCTs, particularly in conflict or post-conflict situations. As noted above (para. 16), OHCHR deployed two human rights advisers to Togo. A human rights adviser was also deployed to

Chad to assist UNCT in strengthening national capacities in the field of human rights. In Guyana, the human rights adviser deployed to the country as part of the Social Cohesion Programme (a United Nations multi-agency effort) assisted the country in the implementation of various projects to strengthen the national human rights protection system. Human rights advisers are also being sent to UNCTs to other countries, including the Russian Federation and Georgia.

51. My Plan of Action outlines how cooperation with our United Nations partners needs to be strengthened. In view of the amount of inter-agency work undertaken at United Nations Headquarters in areas such as peace and security, the Millennium Development Goals and Action 2, I am urgently considering strengthening our office in New York. I have also requested that a study be undertaken on the desirability and feasibility of moving some substantive units from Geneva to New York. Terms of reference for the study are currently being finalized, and the study will commence in the fall. The ultimate goal of all these steps is, however, to reinforce inter-agency links at the national level.

7. Stepping up links with civil society

52. The relationship between my Office and civil society organizations is an essential element in pursuing effective and sustainable strategies for human rights implementation. While the expertise of and analysis by civil society organizations is one part of this equation, the other parts include support, training and advice provided by OHCHR to civil society organizations at the global and national levels, including through several specific programmes such as the voluntary funds, which provide direct financial support to civil society organizations. Strengthening the relationship between OHCHR and civil society will be an important component of the Office's efforts to refocus its work on the implementation of human rights and impact more directly on the situation of rights holders. Accordingly, OHCHR will engage more comprehensively, proactively and strategically with civil society at large. Our Office appreciates the consultative work of NGOs carried out in the United Nations human rights framework, in particular the welcome input they have provided throughout the process of elaborating the Plan of Action. OHCHR is counting on their continuing support for the implementation phase ahead.

53. Undoubtedly, the partnerships developed with civil society at the national level are strongest in countries where OHCHR has a significant field presence. Often, cooperation and mutual support range from capacity-building, ongoing consultations on human rights problems, monitoring and information exchange, to protection of victims and human rights defenders and other forms of assistance. It is also in this context that OHCHR most often succeeds in reaching out to and engaging with communities and groups beyond what is typically categorized as the "human rights non-governmental" sector, such as indigenous groups or religious leaders.

54. In 2005, OHCHR has continued to conduct training workshops for non-governmental organizations and community representatives on a wide range of substantive human rights issues. This included, for instance, a series of training programmes aimed at strengthening the implementation of recommendations of the human rights treaty bodies at the national level, with the main target groups being representatives of national non-governmental organizations, national human rights institutions and the media, together with representatives of the respective Governments.

8. Expanding our advocacy and human rights awareness-raising capacities

55. For OHCHR to be successful in pursuing its goals and strategies, it must be able to communicate effectively. As the Office focuses on implementation, there is a need for a dynamic communications strategy to improve the general level of knowledge of human rights among rights holders and to create support for the work of the United Nations and OHCHR in promoting and protecting all human rights for all. A larger communications capacity which enables the Office to engage its constituencies and thereby build public support for human rights principles requires continuing, proactive engagement with the media, easily accessible materials and targeted information dissemination through various print and web-based channels. To achieve this, the Office continues to build a much stronger in-house capacity to carry out its communication activities.

56. Our capacity to advocate and to educate our constituents about human rights will be significantly bolstered by the introduction of a thematic global human rights report, in tandem with a global human rights campaign. The Office is currently considering the profile of such a report, including the process for selecting the annual theme, the format, opportunities for collaboration with others in its production and the mechanism for consultation with other parts of the United Nations system as well as with Member States. Guided by the experience of other international organizations that produce flagship reports, the Office will establish a standing unit to support the publication of the global human rights report.

57. During the reporting period, a new communications structure has been identified and the process of building the communications capacity of OHCHR in the three core areas of editorial and publications, media relations, and web and audio-visual communications has begun. A dedicated capacity has also been identified and made available to coordinate public information activities on the work of the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights and the treaty bodies. The Office has maintained a strong emphasis on the dissemination of information on the human rights programme and regularly conducts briefings for the international press on the activities of the Office and on the human rights programme in general. During the reporting period Fact Sheet No. 30, *The United Nations Human Rights Treaty System*, was issued and a publication entitled *Frequently Asked Questions on a Human Rights-Based Approach to Development* will soon be available.

58. The advocacy role of OHCHR is closely linked to our work on human rights education. Following the proclamation by the Assembly on the World Programme for Human Rights Education in resolution 59/113 A of 10 December 2004, OHCHR is working on the first phase of the Programme which focuses on the integration of human rights education within the primary and secondary school systems and follows the plan of action adopted by the Assembly in 2005 (resolution 59/113 B).

59. The plan of action proposes a comprehensive implementation strategy for the national level, involving not only the curriculum, but the educational processes, the pedagogical methods and the environment within which learning takes place. The main responsibility for implementation rests with the Ministry of Education in each country, which should assign responsibility to or create a department or unit for coordinating the elaboration, implementation and monitoring of the national implementation strategy, in close collaboration with all relevant actors. Member States are also encouraged to identify and support a resource centre for collecting

and disseminating initiatives and information (good practices from diverse contexts and countries, educational materials, events) on human rights education at the national level. At the international level, the plan of action envisages the setting up of a United Nations inter-agency coordinating committee composed of OHCHR, UNESCO, UNICEF, UNDP and other relevant international agencies, to be responsible for the international coordination of activities under the plan of action.

60. In addition to coordinating the World Programme, OHCHR works to facilitate information-sharing and networking (for example, through the OHCHR database on human rights education and training at www.unhchr.ch/hredu.nsf); the organization of regional and subregional activities focusing on human rights education; and support to relevant international and regional activities organized by other actors through grants, dissemination of publications and participation of specialized staff. OHCHR also supports national capacities for human rights education and training through national technical cooperation projects undertaken within the OHCHR Programme of Technical Cooperation and Advisory Services in the Field of Human Rights, and in supporting grass-roots human rights education initiatives through the ACT (Assisting Communities Together) project.

9. Reform of the human rights mechanisms

61. The need to make the United Nations human rights mechanisms more credible, effective, better coordinated, and their procedures less burdensome was clearly defined in the report of the Secretary-General "In larger freedom". While sharing this observation, my Plan of Action underlines the idea of closer cooperation with these organs and bodies in addressing current obstacles to human rights and implementation gaps. As already stated, OHCHR will undertake to strengthen its support to the new or revamped United Nations human rights organ. Emphasis will also be placed on effective cooperation with human rights treaty bodies and special procedures and the full utilization of their potential in the country engagement strategy of the Office.

62. OHCHR is continuing its consultations on the possible reform of the human rights treaty system with members of treaty bodies, Member States, the United Nations system, non-governmental organizations and other stakeholders. Important improvements have already taken place, including increased cooperation among the treaty bodies, development of common working methods in several areas, e.g. sending lists of issues to States parties prior to the consideration of their reports (see HRI/MC/2005/4), and adoption of more formal follow-up procedures. After a thorough consultative process, OHCHR prepared revised draft harmonized guidelines for reporting under the international human rights treaties, including guidelines on an expanded core document and treaty-specific targeted reports (HRI/MC/2005/3). We have also begun preparations for an intergovernmental consultation to be convened in 2006 with a view to discussing the possibility of the establishment of a unified, standing treaty body, as announced in the Plan of Action. The preparatory process will be as participatory as possible and will involve all the principal stakeholders (States parties, NGOs, national institutions, treaty bodies, United Nations agencies, academics).

63. During the twelfth annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights, held in Geneva in June 2005, mandate holders

discussed, among other things, measures that could be taken to enhance their effectiveness both in terms of the functioning of individual mandates and of the system as a whole. The meeting agreed to establish a Coordination Committee, whose principal role will be to contribute to the ability of the individual experts to carry out their mandates in the most effective way and to promote the authority of the special procedures system within the broader framework of the United Nations and its human rights programme. As set out in the Plan of Action, OHCHR is determined to interact with the special procedures mechanisms in a more systematic manner.

IV. Conclusions

64. **In this report I have sought to inform members of the General Assembly on the process currently under way to implement the Plan of Action of the High Commissioner, and in doing so to illustrate how activities undertaken by our Office in the past year have supported the implementation of the strategic vision of the Plan. Although our Office is committed to implementing the Plan in stages and with due reflection, its full realization — and success — relies on the support of Member States. I urge members of the Assembly to join in our efforts over the coming years to enable a stronger and better equipped Office, able to meet the human rights needs of States, institutional partners and civil society, but first and foremost those of the rights holders, in particular victims of human rights violations everywhere.**

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